



# Fraud and Abuse Prevention Program

## Judicial Law Clerk Training



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Office of the General Counsel

## Fraud and Abuse Prevention Program

- Serves as a centralized point for referral for all fraud concerns
- Provides training for EOIR personnel (and others) on fraud issues
- Supports investigation and prosecution of fraud by federal, state, and local law enforcement and/or disciplinary authorities



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- Brea Burgie  
Fraud and Abuse Prevention Counsel
- Paul Monsky  
Associate General Counsel
- Edward Grodin (part-time)  
Associate General Counsel
- (b) (7)(C)  
Investigator
- Recka Garces  
Legal Assistant (contractor)



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## Referral Sources:

- Immigration Judges
- Court Administrators
- OCIJ staff
- Board Members
- Board staff
- USCIS/ICE
- Attorneys/Accredited Reps
- Respondents
- Non-profits
- Public
- Law Enforcement
- Prosecutors





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## Types of Fraud:

- Fraud against the government
- Fraud against the respondent  
(Includes UPIL)



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## Fraud Schemes:

- Venue fraud (MCV)
  - ie, forum shopping
- Bond sponsor fraud



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## Examples of immigration-related scams:

- Impersonating EOIR employees
  - Mail and phone scams
- Other cases of impersonating USCIS or IRS employees



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## Examples of immigration-related scams:

- Taking money for services that are not provided
- Convincing respondent to apply for relief for which they are not eligible
  - Ex: 10-year green card scam



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## Examples of immigration-related scams:

- Predatory scams: (b) (7)(E), (b) (7)(C)

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## Examples of immigration-related scams:

- Selling USCIS or EOIR Forms





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## Unauthorized Practice of Immigration Law (UPIIL)

- Also called "*Notario* Fraud"







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## Notary Public vs. *Notario Publico*

- Qualifications (TX v. Mexico DF):

A candidate to be a Texas Notary Public must

- fill out an application
- be at least 18 years of age
- be a legal resident of the State of Texas
- be a legal resident of the United States or a permanent resident alien
- pay applicable fees and post a \$2,500\* dollar bond.<sup>iii</sup>

A candidate to be a *Notario Publico* in the Federal District of Mexico must

- be Mexican by birth
- be older than 25 but younger than 60
- be in good health
- have a good reputation
- not be the leader of a church
- not have a criminal record
- have studied under a notary for at least 6 months prior
- take a written exam
- be a legal professional with the title of lawyer.<sup>iv</sup>





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## Notary Public vs. *Notario Publico*

- Powers and Duties (TX v. Mexico DF):

A Texas Notary Public may

- take acknowledgements
- protest instruments
- administer oaths
- take depositions
- certify copies of documents not recordable in the public records
- show that a disinterested party duly notifies the validity of a document
- show that the signer is indeed who s/he says s/he is and that his/her reasons for signing are genuine<sup>x</sup>

A *Notario Publico* in Mexico City may

- be an arbitrator
- be a mediator
- issue judicial opinions
- intervene in judicial proceedings<sup>xi</sup>
- ensure that documents such as bylaws of companies, wills, deeds, powers of attorney, real estate purchases and establishments of trusts do not include any legal inconsistencies<sup>xii</sup>
- ensure payment of taxes
- protocolize public deeds



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- Helpful Links for Identifying UPIL :
  - Check to see if attorney is validly licensed:  
<https://www.justice.gov/eoir/can-someone-represent-you-eoir>
  - Check list of EOIR suspended/disbarred attorneys:  
<https://www.justice.gov/eoir/list-of-currently-disciplined-practitioners>
  - Check R&A list: <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>
    - The two EOIR lists are especially important for e-Registry!

## ATTORNEYS

Attorneys must be members “in good standing” of the bar of the highest court of any State, the District of Columbia (D.C.), a U.S. possession, U.S. territory, or U.S. commonwealth. A list of all of the locations where an attorney can be validly licensed and practice before EOIR is below.

You can contact the entity that provides the attorney’s license to ask if the attorney is a member of their bar and if the attorney is in good standing, meaning the attorney has maintained an active license and has not been suspended or disbarred. Most locations maintain databases on the internet where you can look up lawyers, but a few states require that you call. If you call, ask if the attorney is licensed in that location and is in good standing.

Below, you will find links to each U.S. state, the District of Columbia, and the U.S. possessions, territories, or Commonwealths that license attorneys. Please read all of the information provided by the licensing authority, as each one provides different information about their attorneys on their website. This information is provided as a courtesy, and the Department of Justice does not certify its accuracy.

Click on the picture or name of the U.S. state, territory, possession, or Commonwealth below for information about contacting the location’s licensing authority.





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Hotline:

(877) 388-3840

Fraud Inbox:

[EOIR.Fraud.Program@usdoj.gov](mailto:EOIR.Fraud.Program@usdoj.gov)



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## Fraud Program: Submitting a complaint

- Each court should have its own process for submitting complaints to the Fraud Program.
- Complaints can be sent to Fraud Counsel or the Fraud inbox:

Brea.Burgie@usdoj.gov  
703-756-8156

EOIR.Fraud.Program@usdoj.gov  
877-388-3840



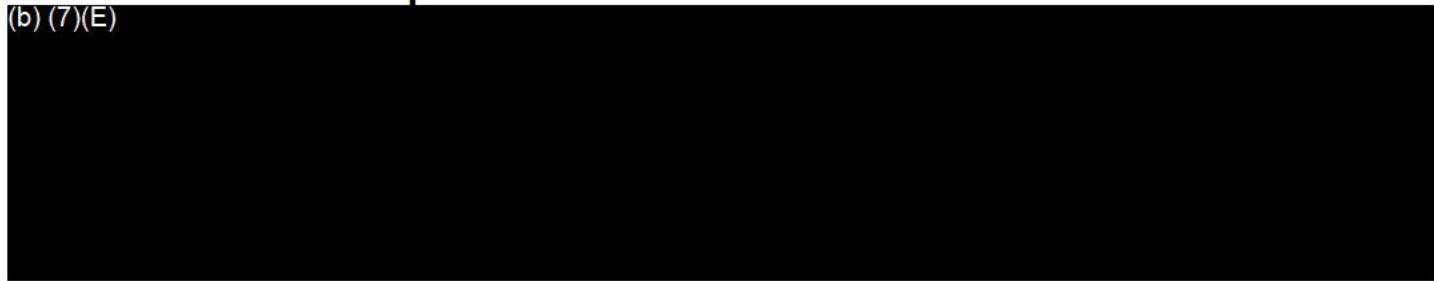


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## Fraud Program: Submitting a complaint

- No format required for complaints: Just outline the events that occurred
- Please try to get copies of evidence of fraud if possible.
  - For example:

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## Fraud Program: Investigation and Referral

- Once we receive a complaint, the Fraud Program conducts an investigation

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## Fraud Program: Investigation and Referral

- We also involve federal, state, or local law enforcement or prosecutors, if appropriate:
  - Gather all available evidence
  - Draft a referral memorandum
  - Provide continued support for the investigation and prosecution as it advances



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## Fraud Program: Requests for Assistance

- We receive requests for assistance from local, state, and federal law enforcement/prosecutors and licensing authorities
- Requests include:
  - Information from EOIR cases:
    - DAR recordings
    - Copies of documents from ROPs
  - Testimony
  - Statistics
  - Recognition and Accreditation status
  - Recognition and Accreditation affidavits



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## Fraud Intranet Page

Site Actions  Browse Page Publish

brea.burgie@usdoj.gov

**RESOURCES:**

**Federal Resources:**

[Attorney Discipline List](#)  
[Check Attorney Licensing](#)  
[Recognition and Accreditation Roster](#)  
[USCIS Avoid Scams](#)  
[FTC Materials](#)

**Non-Governmental Resources:**

[CARECEN FAQ](#)  
[PINY](#)

### Fraud and Abuse Prevention

The Executive Office for Immigration Review's (EOIR) Fraud and Abuse Prevention Program (Fraud Program) is a centralized place to make complaints about issues of fraud, immigration scams, and the unauthorized practice of immigration law (frequently committed by notarios, immigration consultants, or so-called "travel agents"). You can make a complaint to the Fraud Program by calling (877) 388-3840 or emailing [EOIR.Fraud.Program@usdoj.gov](mailto:EOIR.Fraud.Program@usdoj.gov). Alternatively, you may contact the Fraud and Abuse Prevention Counsel, Brea Burgie, at (703) 756-8156 or [Brea.Burgie@usdoj.gov](mailto:Brea.Burgie@usdoj.gov). When filing a complaint, please include the basic facts that lead you to believe that someone has committed fraud, and please forward any physical evidence that you may have.

The Fraud Program investigates complaints of fraud, scams, and unauthorized practitioners, and takes actions to address the issues within EOIR. The Program also makes referrals to law enforcement or disciplinary authorities where appropriate. EOIR's Fraud Program further supports fraud and unauthorized practitioner investigations, prosecutions, and disciplinary proceedings initiated by local, state, and federal law enforcement and disciplinary authorities. Finally, the Fraud Program provides training for EOIR personnel, outreach materials, and education for the public around these issues.

The Fraud Program works in collaboration with EOIR's Attorney Discipline Program, which investigates allegations of violations of the EOIR Rules of Professional Conduct associated with practice before the immigration courts and Board of Immigration Appeals, which many times involve unethical or fraudulent conduct. For more information about the Attorney Discipline Program, please [click here](#).

**CONTACT INFO:**

Fraud and Abuse Prevention Program  
Office of the General Counsel  
Executive Office for Immigration Review  
5107 Leesburg Pike  
Suite 2600  
Falls Church, VA 22041

Brea Burgie  
Fraud and Abuse Prevention Counsel  
(703) 756-8156  
[Brea.Burgie@usdoj.gov](mailto:Brea.Burgie@usdoj.gov)  
Public Phone: (877) 388-3840  
Public E-mail: [EOIR.Fraud.Program@usdoj.gov](mailto:EOIR.Fraud.Program@usdoj.gov)

**Fraud Program Personnel:**

Brea Burgie, Fraud and Abuse Prevention Counsel  
Diane Kier, Associate General Counsel  
Paul Monsky, Associate General Counsel  
John Sanders, Investigator  
Phillip Rimmer, Paralegal

**The Lookout**

[Persons of Concern](#)  
[Suspicious Addresses](#)  
[Current Scams](#)  
[Recent Prosecutions](#)

**Archive**

- American Bar Association (ABA) Commission on Immigration, Fight Notario Fraud Project
- [Anti-Fraud Statutes](#)
- [Civil Successes](#)
- [Criminal Successes](#)
- [Fraud Crier Newsletter](#)
- [Fraud Program Training](#)
- [Immigration Fraud Reading List](#)





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## The Lookout (bi-monthly email)



**July 2017**

**Fraud and Abuse Prevention Program, Volume 1, Number 2**

**Contact Info:**

Attn: Brea Burgie  
Fraud and Abuse Prevention Program  
Office of the General Counsel  
Executive Office for Immigration Review  
5107 Leesburg Pike  
Suite 2600  
Falls Church, VA 22041  
(703) 756-8156  
[Brea.Burgie@usdoj.gov](mailto:Brea.Burgie@usdoj.gov)

**Public Phone:** (877) 388-3840

**Public E-mail:**  
[EOIR.Fraud.Program@usdoj.gov](mailto:EOIR.Fraud.Program@usdoj.gov)

**Fraud Program [Intranet](#) Page**

**Fraud Program [Internet](#) Page**

### EOIR Commitment to Addressing Immigration Fraud and Abuse Highlighted

On June 22, 2017, EOIR Acting Director James McHenry issued a [memorandum](#) to all EOIR employees, stressing the importance of identifying and reporting fraud and abuse before the agency. He reminded EOIR personnel that application and benefit fraud in immigration proceedings undermines the integrity of the system, places unwarranted burdens on taxpayers, and puts public safety and national security at risk. Director McHenry emphasized the need for vigilance in combating immigration fraud and noted that every fraudulent application further burdens the immigration law system. To that end, Director McHenry directed EOIR personnel to report such concerns to the Fraud and Abuse Prevention Program.

Also on June 22, Director McHenry issued a [press release](#) stressing the role of EOIR's Fraud and Abuse Prevention Program in safeguarding the validity of immigration proceedings.





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## The Lookout (bi-monthly email)

### Lookout List

**Persons of Concern (known or suspected individuals engaging in fraud or unauthorized practice of law). Click on each individual's name for more information, and click on the "More" link for other names:**

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## Internet page (public website)

[Home](#) » [Executive Office for Immigration Review](#)

[EOIR Home](#)  
[Meet the Acting Director](#)  
[About the Office](#)  
[News and Information](#)  
[Statistics and Publications](#)  
[Virtual Law Library](#)  
[EOIR FOIA](#)  
[Contact the Office](#)

### FRAUD AND ABUSE PREVENTION PROGRAM

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The Fraud Program investigates complaints of fraud, scams, and unauthorized practitioners, and takes actions to address the issues within EOIR. The Program also makes referrals to law enforcement or disciplinary authorities where appropriate. EOIR's Fraud Program further supports fraud and unauthorized practitioner investigations, prosecutions, and disciplinary proceedings initiated by local, state, and federal law enforcement and disciplinary authorities. Finally, the Fraud Program provides training for EOIR personnel, outreach materials, and education for the public around these issues.

The Fraud Program works in collaboration with EOIR's Attorney Discipline Program, which investigates allegations of misconduct associated with practice before the immigration courts and Board of Immigration Appeals to determine whether attorneys or accredited representatives have engaged in criminal, unethical, or unprofessional conduct. For more information about the Attorney Discipline Program, please click [here](#).

#### MORE INFORMATION ABOUT EOIR'S FRAUD PROGRAM

- [EOIR's Fraud and Abuse Prevention Program Fact Sheet \(PDF\)](#)

#### SUBMIT A COMPLAINT TO EOIR'S FRAUD PROGRAM

For more detailed information on submitting a complaint, click [here](#).

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### ACTION CENTER

- [Access I<sup>3</sup>](#)
- [Engage with EOIR](#)
- [Submit a Complaint](#)
- [Find Legal Representation](#)
- [Find an Immigration Court](#)

### OCIJ Practice Manual

### BIA Practice Manual

### Forms



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- Fraud Program vs. Attorney Discipline
  - Attorney Discipline regulates attorneys and accredited reps under EOIR's Rules of Professional Conduct
  - Fraud Program investigates and refers out instances of fraud, scams, or unauthorized practice of law



## QUESTIONS?

Brea Burgie

Fraud and Abuse Prevention Counsel

[Brea.Burgie@usdoj.gov](mailto:Brea.Burgie@usdoj.gov)

(703) 756-8156

[EOIR.Fraud.Program@usdoj.gov](mailto:EOIR.Fraud.Program@usdoj.gov)